

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MALCOLM TERELL SMITH,

Plaintiff,

v.

MADISON POLICE PROPERTY ADMINISTRATION
and POLICE PROPERTY SUPERVISOR,

Defendants.

ORDER

13-cv-756-bbc

Plaintiff Malcolm Smith, an inmate at the Dane County Jail in Madison, Wisconsin, has submitted a proposed complaint. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915(a), in which case the fee is \$350. Plaintiff requests leave to proceed *in forma pauperis*. After considering the motion and account statement, the court concludes that plaintiff qualifies for indigent status.

Because plaintiff is detained, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint, plaintiff will have to make an initial partial payment of the filing fee. From the account statement plaintiff has submitted, I calculate his initial partial payment to be \$6.68. Plaintiff is advised that he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Plaintiff should show a copy of this order to officials at the Dane County Jail to insure that they are aware they should send plaintiff's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff Malcolm Smith is assessed \$6.68 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$6.68 on or before November 22, 2013. If, by November 22, 2013, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 31st day of October, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge